IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 14485 of 2004

Between:

Chintapandu Komaraiah S/o Narsaiah, aged 35 years, Agriculture,
r/o Bandampalli village, Peddapalli Mandal, Karimnagar District.

... PETITIONER

AND

1. The Revenue Divisional Officer, Peddapalli,
Karimnagar District.
2. The Mandal Revenue Officer, Peddapalli Mandal,
Karimnagar District.
3. M. Narasimha Reddy S/o Ramana Reddy, aged 55 years,
Ex-Chairman, Sri Sita Rama Swamy Temple, Peddapalli,
r/o H.No.3-7-46, Peddapalli, Karimnagar District, Andhra Pradesh.

(R-3 is impleaded as per Court order dated 24-06-2005
in WPMP.22400 of 2004)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order, direction more particularly one in the nature of Writ of "Mandamus " declaring the action of the respondents in interfering with petitioner's land admeasuring Ac.2.16 guntas in S.No. 183 situated at Bandampalli Village, Peddapalli Mandal, Karimnagar District pending enquiry pursuant to the Notice No.B1/1800/96 dated 24-07-2004 issued by the 1st respondent as being illegal, arbitrary, and unconstitutional and without jurisdiction.

Counsel for the Petitioner: MR. A. ANANTHA REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER: -

This writ petition is filed seeking *mandamus* declaring the action of the respondents from interfering with petitioner's land admeasuring Ac.2.16 guntas in S.No. 183 situated at Bandampalli Village, Peddapalli Mandal, Karimnagar District pending enquiry pursuant to the Notice No.B1/1800/96 dated 24-07-2004 issued by the 1st respondent as arbitrary and illegal and without jurisdiction.

2. Petitioner claims that he is the absolute owner and possessor of the land admeasuring an extent of Ac.2-16 guntas in S.No.183 having purchased the same under a regular registered sale deed dated
26-02-2004 and since then he has been in peaceful possession and enjoyment of the same, and that pattadar pass book was also issued in his name. It is submitted that before purchasing the said property, when the petitioner's vendor made an application to the second respondent herein seeking a clarification with regard to the nature of the land sold, the second respondent addressed a letter dated 25-02-2004 to the Sub Registrar, Peddapalli clarifying the said land to be patta land. While so, the first respondent issued the impugned Notice asking the petitioner to appear before him on 09-08-2004 at 11 a.m. and submit his evidence in respect of the land purchased. It was also mentioned in the said notice that the said survey number is a temple land. Thereupon, the petitioner appeared before the first respondent on 09-08-2004 and requested to grant substantial time for filing a detailed report and produce all necessary documents to prove his title, but the first respondent granted time only till
16-08-2004.

3. The main grievance of the petitioner is that the second respondent gave only short time, i.e. from 09-08-2004 to 16-08-2004, and interfering with his peaceful possession and enjoyment of the land claiming that the said land is a temple land.

4. The first respondent filed his counter affidavit stating that there is a dispute with regard to the title of the property and though the petitioner has purchased the land in dispute through a registered sale deed, the second respondent issued a letter dated 25-02-2004 to clarify that the land is a patta land after verifying the pahanis. Subsequently, a representation dated 15-07-2004 was filed by a Counsel on behalf of Seetharamaswamy Temple claiming that the land purchased by the petitioner is a

temple land, and the vendor of the petitioner appeared to have presented a document dated 06-05-2004 for cancellation of the sale deed dated 26-02-2004 and the same is kept pending for registration. After receiving the said representation, the first respondent reported this respondent to cancel the mutation in this regard, and then only he issued the impugned notice to the petitioner to prove his title by placing necessary material. It is open to the petitioner to appear before this respondent to prove his title.

5. If the first respondent, Revenue Divisional Officer, has given sufficient time, as requested by the petitioner, the enquiry under the impugned notice should have been completed by this time.

6. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the petitioner to put forth his objection and produce necessary documents to prove his title before the first respondent, Revenue Divisional Officer, within eight weeks from today. On such objection being forwarded and necessary documents produced, the first respondent, Revenue Divisional Officer, shall proceed with the enquiry and pass necessary orders in accordance with law, within
12 weeks thereafter. It is made clear that till such time, the respondents are directed not to dispossess the petitioner from the land in question.

7. The writ petition is accordingly disposed of at the admission stage. No order as to costs.

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ELIPE DHARMA RAO, J

Dt.24-06-2005

GLV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Revenue Divisional Officer, Peddapalli, Karimnagar District.
2. The Mandal Revenue Officer, Peddapalli Mandal, Karimnagar District.

3. Two CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)

4. Two CD copies.

*Form-NIC-OGS/WP{**LOBIS**}*